

cakes, 19 6-ounce bags of licorice, 19 6-ounce bags of anise dogs, 19 3½-ounce bags of after dinner mints, 19 4-ounce bags of chocolate chews, 21 4-ounce bags of lollipops, and 64 3-ounce bags of caramels, at Irwin, Pa.

LABEL, IN PART: (Portion) "Boston Baked Beans," or "Asco Candy Cakes [or "Licorice," "Anise Dogs," "After Dinner Mints," "Chocolate Chews," "Lolly-Pops," or "Fresh Pack Caramels"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent-hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (2), some of the articles failed to bear a label containing an accurate statement of the quantity of contents, since the label statements, "Weight Six Ounces Net" (licorice and anise dogs), "Weight 3½ Ounces Net" (after dinner mints), "Weight Four Ounces Net" (chocolate chews and lollipops), and "Weight Three Ounces Net" [caramels], were inaccurate. (The articles were short-weight.)

DISPOSITION: June 17 and July 17, 1947. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

12239. Adulteration and misbranding of candy bars. U. S. v. 79 Boxes * * *.
(F. D. C. No. 22788. Sample No. 55215-H.)

LIBEL FILED: March 27, 1947, District of Alabama.

ALLEGED SHIPMENT: On or about October 29, 1946, by the G. T. Edwards Candy Co., from Atlanta, Ga.

PRODUCT: 79 boxes each containing 36 candy bars, at Dothan, Ala.

LABEL, IN PART: (Boxes) "Pecan Bar Cocoanut 36 Count."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, coconut, had been in whole or in part omitted from the article; Section 402 (b) (3), inferiority had been concealed by the use of corn flakes; and, Section 402 (b) (4), a substance, corn flakes, had been mixed with the article so as to make it appear better and of greater value than it was, since corn flakes had the appearance of coconut in the product in which coconut was an expected ingredient.

Misbranding, Section 403 (a), the designation on the boxes, "Pecan Bar Cocoanut," was misleading, since the article contained little, if any, coconut or pecans; and, Section 403 (i) (2), the article was fabricated from 2 or more ingredients and its label failed to bear the common or usual name of each of its ingredients, since "maize" is not the common or usual name for corn flakes.

DISPOSITION: April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

12240. Adulteration and misbranding of candy bars. U. S. v. 35 Cases * * *.
(F. D. C. No. 22858. Sample No. 73509-H.)

LIBEL FILED: April 22, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about July 1, 1946, by Snooks, Inc., from Brooklyn, N. Y., to Galion Bottling Works, Galion, Ohio. On November 23, 1946, the consignee returned the product to the shipper, who refused to receive the shipment. It was therefore returned to Cleveland, Ohio, on or about March 5, 1947.

PRODUCT: 35 cases containing odd-size boxes of candy bars at Cleveland, Ohio. The product was a chocolate-covered candy bar containing peanuts and pieces of soybeans. It contained little or no sweetening ingredients and did not have a sweet taste. It was also short-weight.

LABEL, IN PART: "Snooks [or "Savvy"] Net Wt. 1¼ oz. * * * Mfd. by Rex Confections Co. [or "Inc."] Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, sweetening ingredients, which are normal and expected in candy, had been in whole or in part omitted from the article.